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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,141	10/23/2003	Jin Shenghao	15865.8a.1	9173

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EXAMINER

HAWK, NOAH CHANDLER

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,141

Applicant(s)

SHENGHAO ET AL.

Examiner

Noah C. Hawk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/14/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because: The inventors listed on the Oath/Declaration are different than those listed on the specification. All inventors must be listed appropriately on the Oath/Declaration.

Information Disclosure Statement

2. The information disclosure statement filed April 14, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because: Foreign patent 223,700 is missing Fig. 1 and therefore has not been considered. The other Foreign patents that have been crossed out were not considered because they fail to include an English Abstract, a translation or a statement of relevance. As for the court documents/proceedings, there has not been provided an explanation of relevance or explanation of why these papers are pertinent (so as to merit inclusion as prior art for this application). Furthermore, if portions of these documents are pertinent, these portions need to be specifically directed to and identified. These references have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the

submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

3. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because it is unclear what reference numerals 2 and 3 are referring to. Further, it appears that they are referring to the same feature. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: the incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 recites the limitation "'one end of the tabletop" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-8, 13 and 14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/681975 in view of Pinch in US Patent 6058853.

Application 10/681975 claims a table with a c-shaped mounting assembly, a support assembly with side rails and end rails or a cross bar, a frame assembly with side rails and end rails, a first leg and a support brace. Claims 1-8 of Application 10/681975 do not include a handle on the bottom in the table. Pinch discloses a table with a handle (190) comprising a groove formed integrally with the tabletop in a blow molding process

on the outside edge of the bottom surface of the table. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

10. Claims 9 and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/681975 in view of Buono in US Patent 6622644.

Application 10/681975 claims a table with a mounting structure, a support assembly and a frame assembly but does not include a handle comprising a cross rail on the mounting structure. Buono discloses a table with a handle (42) comprising a cross rail attached to the mounting structure. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/681975 by adding a handle as taught by Buono in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

11. Claim 11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/681975 in view of Pinch. Application 10/681975 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a handle (144) comprising a groove between the mounting structure and the tabletop. It would have been obvious to one of ordinary skill in the art

at the time of invention to modify the claimed table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

12. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/681975 in view of Pinch. Application 10/681975 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a handle (132) comprising a groove formed on the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

13. Claims 15 and 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/681975 in view of Ma in US Patent 5465673. Application 10/681975 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a bracket-type handle. Ma discloses a handle (44) comprising a bracket disposed at one end of the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed

table of Application 10/681975 by adding a handle as taught by Ma in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

14. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/681975 in view of Pinch. Claim 1 of Application 10/681975 recites a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a table with a handle (180) comprising a ridge formed on the bottom of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

15. Claims 1-8, 13 and 14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/669740 in view of Pinch in US Patent 6058853. Application 10/669740 claims a table with a c-shaped mounting assembly, a support assembly with side rails and end rails or a cross bar, a frame assembly with side rails and end rails, a first leg and a support brace. Claims 1-8 of Application 10/669740 do not include a handle on the bottom in the table. Pinch discloses a table with a handle (190) comprising a groove formed integrally with the tabletop in a blow molding process on the outside edge of the bottom surface of the table. It would have been obvious to

one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a handle in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

16. Claims 9 and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/669740 in view of Buono in US Patent 6622644. Claims 1 and 4 of Application 10/669740 include a table with a mounting structure, a support assembly and a frame assembly but do not include a handle comprising a cross rail on the mounting structure. Buono discloses a table with a handle (42) comprising a cross rail attached to the mounting structure. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a handle as taught by Buono in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

17. Claim 11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/669740 in view of Pinch. Application 10/669740 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a handle (144) comprising a groove between the mounting structure and the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a

handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

18. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/669740 in view of Pinch. Application 10/669740 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a handle (132) comprising a groove formed on the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

19. Claims 15 and 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/669740 in view of Ma in US Patent 5465673. Application 10/669740 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a bracket-type handle. Ma discloses a handle (44) comprising a bracket disposed at one end of the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a handle as taught by Ma in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

20. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/669740 in view of Pinch. Application 10/669740 claims a table with a mounting structure, a frame assembly and a support assembly but does not include a handle. Pinch discloses a table with a handle (180) comprising a ridge formed on the bottom of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the claimed table of Application 10/669740 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

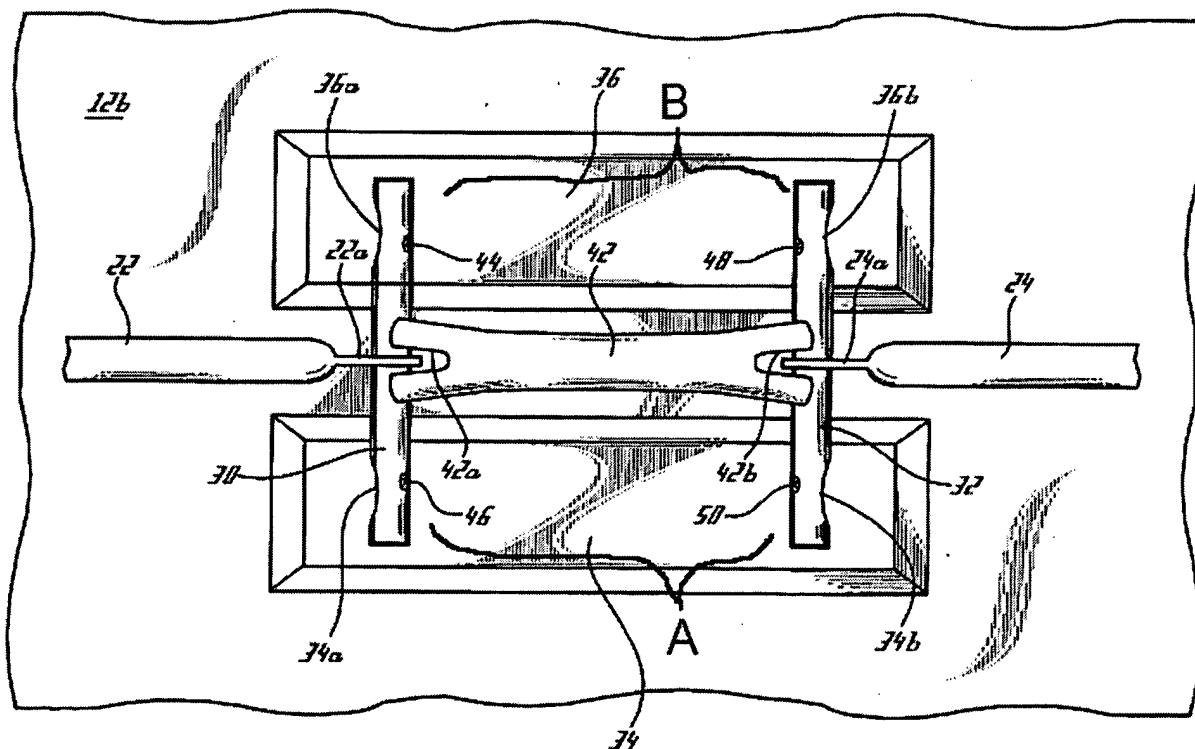
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

22. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Buono in US Patent 6622644.

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a. Regarding Claim 1, Buono discloses a table comprising a table top (12) having a top surface (12a) and a bottom surface (12b), a mounting structure (34, 36) centrally disposed on the bottom surface of the table top, a support assembly (A, B, 30, 32) at least partially connected to the mounting structure, a frame assembly comprising a first leg (14a) connected to the bottom surface of the table top and a support brace (24, 28a, 28b) having a first end and a second end, the first end being attached to the first leg and the second end being attached to the support assembly and at least one handle (42) disposed underneath the bottom surface of the table top.



Buono, Figure 4

- b. Regarding Claim 2, Buono discloses a mounting structure (34, 36) comprising a pair of generally C-shaped mounting ridges formed on the bottom surface of the table top.
- c. Regarding Claims 3 and 5, Buono discloses a support assembly comprising a pair of spaced apart side rails (the center sections of mounting blocks 34 and 36, denoted by bracketed areas A and B) integrally formed with the mounting structure, configured to be attached to the mounting structure and a first cross bar (32) disposed transverse to the pair of side rails and attached therebetween.
- d. Regarding Claims 4 and 10, Buono discloses a support assembly comprising a pair of spaced apart side rails (A and B) configured to be attached to the mounting structure and a pair of spaced apart end rails (30, 32) disposed transverse to the pair of side rails and attached therebetween. Further, Buono discloses a handle (42) comprising a cross rail disposed transverse to the pair of end rails and attached therebetween.
- e. Regarding Claim 8, Buono discloses a frame assembly further comprising a pair of spaced apart side rails (18, 20) and a pair of spaced apart end rails (14d, 16d) disposed transversely to the pair of side rails and connected therebetween, wherein the table leg (14a) is connected to one of the pair of end rails (14d).

- f. Regarding Claim 9, Buono discloses at least one handle (42) comprising a cross rail connected to the mounting structure.
23. Claims 1, 6, 7, 11-14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinch in US Patent 6058853.
- g. Regarding Claim 1, Pinch discloses a table comprising a tabletop (32) having a top surface (120) and a bottom surface (122), a mounting structure (56/128) centrally disposed on the bottom surface of the table top, a support assembly (82) at least partially connected to the mounting structure, a frame assembly (58) comprising a first leg (60) connected to the bottom surface of the table top and a support brace having a first end (68) and a second end (70), the first end being attached to the first leg and the second end being attached to the support assembly and at least one handle (elements 190, 144, 132, and 180 can all be used as handles, handle being defined as above) disposed underneath the bottom surface of the table top.
- h. Regarding Claim 6, Pinch discloses a tabletop (32) formed of blow-molded plastic (see Pinch, Column 2, lines 17-18).
- i. Regarding Claim 7, Pinch discloses a mounting structure (128) formed of blow-molded plastic (see Pinch, Column 2, lines 17-18).
- j. Regarding Claim 11, Pinch discloses a least one handle (144) comprising a groove formed between the bottom surface of the tabletop and the mounting structure.

- k. Regarding Claim 12, Pinch discloses a handle comprising a groove (132) formed on the bottom surface of the tabletop.
- l. Regarding Claim 13, Pinch discloses a handle comprising a groove (144) formed on the outside edge of the mounting structure.
- m. Regarding Claim 14, Pinch discloses a handle (144) formed integrally with the tabletop. Claim 14 is a product by process claim. The handle and tabletop themselves do not depend on the process of making them. The product-by-process limitation "formed integrally with the tabletop in a blow-molded process" would not be expected to impart distinctive structural characteristics to the tabletop and handle. The claimed tabletop and handle appear to be the same or similar to that of Pinch. However, please note that Pinch further discloses a blow-molded tabletop and handle (see Pinch, Column 2, lines 17-18).
- n. Regarding Claim 17, Pinch discloses a handle (180) comprising a ridge formed on the bottom of the tabletop.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buono as applied to Claim 1 above in view of Ma in US Patent 5465673. Buono

does not disclose a handle comprising a bracket on one end of a tabletop. Ma discloses a handle comprising a bracket (44) at one end (best seen in Ma, Figure 6) of the bottom surface (29) of a tabletop (15). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Buono by adding a handle as taught by Ma in order to allow the user to carry the table more easily.

26. Claims 1-8, 13 and 14 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/681975 discloses a table with a c-shaped mounting assembly, a support assembly with side rails and end rails or a cross bar, a frame assembly with side rails and end rails, a first leg and a support brace. Application 10/681975 does not disclose a handle on the bottom in the table. Pinch discloses a table with a handle (190) comprising a groove formed integrally with the tabletop in a blow molding process on the outside edge of the bottom surface of the table. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle in order to increase the ease with which the user can move the table.
27. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was

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derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

28. Claims 9 and 10 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application in view of Buono. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

Application 10/681975 discloses a table with a mounting structure, a support assembly and a frame assembly but does not disclose a handle comprising a cross rail on the mounting structure. Buono discloses a table with a handle (42) comprising a cross rail attached to the mounting structure. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle as taught by Buono in order to increase the ease with which the user can move the table.

29. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or

by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

30. Claim 11 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/681975 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a handle (144) comprising a groove between the mounting structure and the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

31. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also

be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

32. Claim 12 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/681975 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a handle (132) comprising a groove formed on the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

33. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C.

103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

34. Claims 15 and 16 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application in view of Ma. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

Application 10/681975 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a bracket-type handle. Ma discloses a handle (44) comprising a bracket disposed at one end of the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle as taught by Ma in order to increase the ease with which the user can move the table.

35. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

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36. Claim 17 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/681975 which has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/681975 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a table with a handle (180) comprising a ridge formed on the bottom of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/681975 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

37. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

38. Claims 1-8, 13 and 14 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/669740 discloses a table with a c-shaped mounting assembly, a support assembly with side rails and end rails or a cross bar, a frame assembly with side rails and end rails, a first leg and a support brace. Application 10/669740 does not disclose a handle on the bottom in the table. Pinch discloses a table with a handle (190) comprising a groove formed integrally with the tabletop in a blow molding process on the outside edge of the bottom surface of the table. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/669740 by adding a handle in order to increase the ease with which the user can move the table.

39. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

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40. Claims 9 and 10 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant application in view of Buono. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

Application 10/669740 discloses a table with a mounting structure, a support assembly and a frame assembly but does not disclose a handle comprising a cross rail on the mounting structure. Buono discloses a table with a handle (42) comprising a cross rail attached to the mounting structure. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/669740 by adding a handle as taught by Buono in order to increase the ease with which the user can move the table.

41. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

42. Claim 11 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/669740 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a handle (144) comprising a groove between the mounting structure and the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Application 10/669740 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

43. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

44. Claim 12 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant

application in view of Pinch. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/669740 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a handle (132) comprising a groove formed on the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Application 10/669740 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

45. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

46. Claims 15 and 16 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant application in view of Ma. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if

published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

Application 10/669740 discloses a table with a mounting structure, a frame assembly and a support assembly but does not disclose a bracket-type handle. Ma discloses a handle (44) comprising a bracket disposed at one end of the bottom surface of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/669740 by adding a handle as taught by Ma in order to increase the ease with which the user can move the table.

47. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

48. Claim 17 is provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/669740 which has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Application 10/669740 discloses a

table with a mounting structure, a frame assembly and a support assembly but does not disclose a handle. Pinch discloses a table with a handle (180) comprising a ridge formed on the bottom of the tabletop. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the table of Application 10/669740 by adding a handle as taught by Pinch in order to increase the ease with which the user can move the table.

49. This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gutszell, Hoffman, Howe, Virtue and McNamara et al. disclose folding tables with handles. Rogers discloses a folding table with a groove-style handle. Larson discloses a folding table with bracket-style handles. Stanford discloses a plastic folding table.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NCH

9-19-05

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